

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION

UNITED STATES OF AMERICA

v.

No. 4:14-MJ- 022

JONATHAN DANIEL KUTEJ (01)

CRIMINAL COMPLAINT

I, the undersigned Complainant, being duly sworn, state the following is true and correct to the best of my knowledge and belief:

On or about August 14, 2013, **Jonathan Daniel Kutej**, knowingly employed and used a minor to engage in sexually explicit conduct for the purpose of producing a visual depiction of such conduct, using materials that have been mailed, shipped, and transported in and affecting interstate and foreign commerce by any means, including by computer.

Specifically, **Kutej** used an Apple iPhone to create the following visual depiction of a minor engaged in sexually explicit conduct:

**IMG\_2400**: A still image depicting the lewd and lascivious exhibition of the genitalia of a minor female victim who is approximately four years old at the time of the image.

In violation of 18 U.S.C. § 2251(a).

I further state that I am a Special Agent with Homeland Security Investigations (HSI) within ICE assigned to the Office of the Special Agent-in-Charge, Dallas, Texas. This complaint is based on the following facts gathered through my investigation and through reports relayed to me by Robert Young, Hood County Criminal Investigator, as well as other members of law enforcement:

## INTRODUCTION

1. I am currently a Special Agent with Homeland Security Investigations (HSI) within ICE assigned to the Office of the Special Agent-in-Charge, Dallas, Texas. I have been employed by HSI since June 2008. As part of my duties as an HSI agent, I investigate criminal violations relating to child exploitation and child pornography, including violations pertaining to the production, distribution, receipt and possession of child pornography, in violation of 18 U.S.C. §§ 2251, 2252, and 2252A. I have received training in the area of child pornography and child exploitation, and have had the opportunity to observe and review numerous examples of child pornography (as defined in 18 U.S.C. § 2256); in all forms of media including computer media. I have been involved in numerous child pornography investigations and am very familiar with the tactics used by child pornography offenders who collect and distribute child pornographic material.

2. This affidavit sets forth facts and suggests reasonable inferences from those facts, establishing that there is probable cause to believe that on or about August 14, 2013, in the Northern District of Texas Fort Worth Division, **Jonathan Daniel Kutej**, committed the offense of Production of Child Pornography, in violation of 18 U.S.C. § 2251(a).

### OVERVIEW OF INVESTIGATION

3. On August 15, 2013, Hood County Criminal Investigator Robert Young met with MV1's mother, who said that she had met with **Kutej** to have drinks on August 14, 2013, and that afterward, **Kutej** returned to her home in Granbury, Texas. MV1's mother said that when they returned to her home, she went to the bathroom, at which time **Kutej** would have had access to her daughter, age four.

4. Later in the evening, MV1's mother, who was suspicious of **Kutej** being involved with someone else; looked at the contents of **Kutej's** Apple iPhone, where she found pictures of MV1. The first image depicted MV1 sleeping with her shirt and panties on. The second image depicted a close-up view of MV1's panties. The third image, IMG\_2400, depicted MV1's genitals and the defendant's thumb holding MV1's panties to the side. MV1's mother reported to Investigator Young that she forwarded one of the pictures to her phone. Investigator Young viewed the image, which depicted the lewd and lascivious exhibition of the genitals of MV1, a prepubescent minor female.

5. On August 15, 2013, Investigator Young obtained an arrest warrant for **Kutej** for the state violation of sexual performance of a child. Investigator Young went to **Kutej's** home in Tolar, Texas, and arrested the defendant. **Kutej** was carrying a black Apple iPhone in the back pocket of his pants. Investigator Young seized the phone and subsequently obtained a search warrant to search the contents of the phone.

6. A forensic examination of **Kutej's** phone conducted by Jeff Shafer, a forensic examiner with the United States Secret Service, revealed the presence of the images described by MV1's mother, including IMG\_2400, which is the lewd and lascivious exhibition of the genitalia of MV1. The forensic examination also showed that IMG\_2400 was taken by the Apple iPhone on or about August 14, 2013.

7. On January 10, 2014, I met with USSS forensic examiner Jeff Shafer to review the contents of **Kutej's** Apple iPhone; I confirmed that IMG\_2400 is a visual depiction of a minor engaged in sexually explicit conduct. On January 13, 2014, I observed **Kutej's** Apple iPhone reflects that it was designed by Apple in California and assembled in China. Therefore, **Kutej** produced an image of child pornography using material that was mailed, shipped, and transported in and affecting interstate and foreign commerce by any means, including by computer.

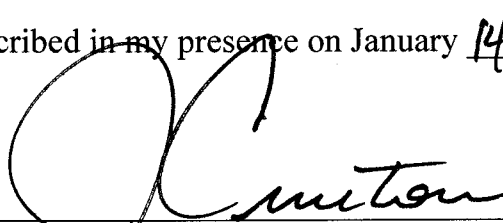
**CONCLUSION**

8. Based on the foregoing facts and circumstances, I respectfully submit that there is probable cause to believe that on or about August 14, 2013, in the Northern District of Texas Fort Worth Division, **Jonathan Daniel Kutej** committed the offense of Production of Child Pornography, in violation of 18 U.S.C. §2251(a).



Elmore Armstrong  
Special Agent  
Department of Homeland Security  
Homeland Security Investigations

Sworn to before me, and subscribed in my presence on January 14, 2014  
at 1:55 p.m., in Fort Worth, Texas.



JEFFREY L. CURETON  
United States Magistrate Judge